

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated December 23, 2003. Claims 1-35 are currently pending in the application. It is gratefully acknowledged that the Examiner finds Claims 17-35 to be allowed, and finds allowable subject matter in Claims 3, 5-7, and 10-16.

In the Office Action, the Examiner has rejected Claims 1, 2, 4, 8, and 9 under 35 U.S.C. § 102(a) as being anticipated by *Applicant's Admitted Prior Art (AAPA)*. Additionally, the Examiner has objected to the drawings, asserting that FIGs. 1-5 should be labeled as prior art.

With regard to the objection to the drawings, FIGs. 1-5 have been amended to include the legend --PRIOR ART--. Replacement FIGs. 1-5 including these amendments have been enclosed herewith. Accordingly, it is respectfully requested that the objections to the drawings be withdrawn.

With regard to the rejection of independent Claims 1 and 9, the Examiner asserts that *AAPA* teach all the elements of these claims. More specifically, the Examiner equates the sequence number as recited in Claims 1 and 9, with the code #1 as illustrated in the prior art of FIG. 3. However, it is respectfully submitted that the Examiner's rejection is incorrect.

As indicated above, both independent Claims 1 and 9 recite a sequence number for message identification, which is used to differentiate supplemental channel assignment messages (SCAMs). However, the code # in the conventional method illustrated in Fig. 3, merely indicates that SCAMs are transmitted through the same channel, and does not identify each SCAM. Further, in FIG. 3, each code # is the same, i.e., # 1, so it cannot be used to identify each of the SCAMs.

Additionally, referring to FIG. 8, which illustrates a an embodiment of an SCH assigning method based on the arrival times of SCAMs in the CDMA MS according to the present invention, the channel assignment message includes both the code#1 from the prior art and a sequence number

for message identification, as recited in Claims 1 and 9. Therefore, it is respectfully submitted that the code # from the conventional art cannot be a sequence number for message identification as recited in Claims 1 and 9 of the present invention. Accordingly, it is respectfully requested that the rejection to independent Claims 1 and 9 be withdrawn.

As independent Claims 1 and 9 are believed to be in condition for allowance, then, at least because of their dependence on these claims respectively, dependent Claims 2-7 and 10-16 are also believed to be in condition for allowance.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 1-35, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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